

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BENITO GARCIA-CELIS,	)	
	)	CASE NO. C14-0985-RAJ-MAT
Petitioner,	)	
	)	
v.	)	REPORT AND RECOMMENDATION
	)	
DEPARTMENT OF HOMELAND	)	
SECURITY, et al.,	)	
	)	
Respondents.	)	
_____	)	

Petitioner was one of approximately 30 *pro se* immigration detainees at the Northwest Detention Center who sought to bring a class action related to voluntary departure and reinstatement of removal procedures, among other things. *See Monge-Piedra v. Dep't of Homeland Sec.*, Case No. 14-457-TSZ-MAT, Dkt. 2-1 (W.D. Wash. 2014). That action was broken into individual actions, and petitioner's proposed habeas petition pursuant to 28 U.S.C. § 2241 was filed under the instant cause number.

On July 2, 2014, the Clerk mailed petitioner a letter notifying him that he was required to either pay the \$5 filing fee or submit an application to proceed *in forma pauperis* by August

01 1, 2014. Dkt. 3. On July 11, 2014, the Clerk's letter was returned as undeliverable. Dkt. 4.  
02 To date, petitioner has not paid the filing fee, submitted an *in forma pauperis* application, or  
03 provided the Court with an updated address.

04 Pursuant to Local Civil Rule 41(b), *pro se* parties are required to keep the Court and  
05 opposing parties advised of their current mailing address. Local Rules W.D. Wash. LCR  
06 41(b). If mail sent to a *pro se* petitioner by the Clerk is returned as undeliverable, and if the  
07 petitioner fails to notify the Court and opposing parties of his or her current mailing address  
08 within 60 days of the mail being returned as undeliverable, the Court may dismiss the action  
09 without prejudice for failure to prosecute. *Id.* Here, more than 60 days have passed since the  
10 Clerk's letter was returned as undeliverable. Accordingly, the Court recommends that this  
11 action be DISMISSED without prejudice for failure to prosecute. *See* Local Rules W.D.  
12 Wash. LCR 41(b). A proposed Order accompanies this Report and Recommendation.

13 DATED this 19th day of September, 2014.

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16 Mary Alice Theiler  
17 Chief United States Magistrate Judge  
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